



STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
State/Territory: Michigan

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Process for the Investigation of Allegations of Resident Neglect and Abuse and  
Misappropriation of Resident Property

The State has in effect the following process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property by a nurse aide or a resident in a nursing facility by another individual used by the facility in providing services to such a resident.

Michigan Public Health Code:

333.21771 Abusing, mistreating, or neglecting patient; reports; investigation; retaliation prohibited

(1) A licensee, nursing home administrator, or employee of a nursing home shall not physically, mentally, or emotionally, abuse, mistreat, or harmfully neglect a patient.

(2) A nursing home employee who becomes aware of an act prohibited by this section immediately shall report the matter to the nursing home administrator or nursing director. A nursing home administrator or nursing director who becomes aware of an act prohibited by this section immediately shall report the matter by telephone to the Department of Public Health, which in turn shall notify the Department of Social Services.

(3) Any person may report a violation of this section to the Department.

(4) A physician or other licensed health care personnel of a hospital or other health care facility to which a patient is transferred who becomes aware of an act prohibited by this section shall report the act to the Department.

(5) Upon receipt of a report made under this section, the Department shall make an investigation. The Department may require the person making the report to submit a written report or to supply additional information, or both.

(6) A licensee or nursing home administrator shall not evict, harass, dismiss, or retaliate against a patient, a patient's representative, or an employee who makes a report under this section.

333.21799(a) Violation; complaint; investigation; disclosure; determination; listing violation and provisions violated; copies of documents; public inspection; report of violation; penalty; request for hearing; notice of hearing.

(1) A person who believes that this part, a rule promulgated under this part, or a federal certification regulation applying to a nursing home may have been violated may request an investigation of a nursing home. The request shall be submitted to the Department State Survey Agency—Michigan Department of Public Health as a written complaint or the Department shall

TN No. 93-10  
Supersedes  
TN No. N/A

Approval Date \_\_\_\_\_

Effective Date 1-1-93  
HCFA ID: \_\_\_\_\_

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assist the person in reducing an oral request to a written complaint within seven (7) days after the oral request is made.

(2) The substance of the complaint shall be provided to the licensee no earlier than at the commencement of the on-site inspection of the nursing home which takes place pursuant to the complaint.

(3) The complaint; a copy of the complaint; or a record published, released, or otherwise disclosed to the nursing home shall not disclose the name of the complainant or a [resident] named in the complaint unless the complainant or [resident] consents in writing to the disclosure or the investigation results in an administrative hearing or a judicial proceeding, or unless disclosure is considered essential to the investigation by the Department. If the disclosure is considered essential to the investigation, the complainant shall be given the opportunity to withdraw the complaint before disclosure.

(4) Upon receipt of a complaint, the Department shall determine, based on the allegations presented, whether this part, a rule promulgated under the part, or a federal certification regulation for nursing homes has been, is, or is in danger of being violated. The Department shall investigate the complaint according to the urgency determined by the Department. The initiation of a complaint investigation shall commence within 15 days after receipt of the written complaint by the Department.

(5) If, at any time, the Department determines that this part, a rule promulgated under this part, or a federal certification regulation for nursing homes has been violated, the Department shall list the violation and provisions violated on the state and federal licensure and certification forms for nursing homes. The violations shall be considered, as evidenced by a written explanation, by the Department when it makes a licensure and certification decision or recommendation.

(6) In all cases, the Department shall inform the complainant of its findings unless, otherwise indicated by the complainant. Within 30 days after the receipt of complaint, the Department shall provide the complainant a copy, if any, of the written determination, the correction notice, the warning notice, and the state licensure or federal certification form, or both, on which the violation is listed, or a status report indicating when these documents may be expected. The final report shall include a copy of the original complaint. The complainant may request additional copies of the documents listed in this subsection and shall reimburse the Department for the copies in accord with established policies and procedures.

TN No. 9310

Supersedes

TN No. N/A

Approval Date \_\_\_\_\_

Effective Date 1-1-93

HCFA ID: \_\_\_\_\_

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(7) A written determination, correction notice, or warning notice concerning a complaint shall be available for public inspection, but the name of the complainant or patient shall not be disclosed without the complainant's or patient's consent.

(8) A violation discovered as a result of the complaint investigation procedure shall be reported to persons administering sections 21799c to 21799e. The violation shall be assessed a penalty as described in this act.

(9) A complainant who is dissatisfied with the determination or investigation by the Department may request a hearing. A request for a hearing shall be submitted in writing to the Director within 30 days after the mailing of the Department's findings as described in subsection (6). Notice of the time and place of the hearing shall be sent to the complainant and the nursing home.

And any other provisions within the Michigan Public Health Code, if applicable.

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TN No. 9370  
Supersedes  
TN No. N/A

Approval Date \_\_\_\_\_

Effective Date 1-1-93  
HCFA ID: \_\_\_\_\_